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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket Number (Optional)  
760050-91

In re Application of: Michael Hayden et al.

Application No.: 10/617,334

Filed: 10 July 2003

For: METHODS AND REAGENTS FOR MODULATING CHOLESTEROL LEVELS

The owners\*, Xenon Pharmaceuticals, Inc. and University of British Columbia, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/745,377, filed on 23 December 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record.

Alan J. Grant  
Signature

11/8/06  
Date

Alan J. Grant  
Typed or printed name

973-994-1700  
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